

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEMOND A. WILLIAMS,

Petitioner,

CIVIL CASE NO. 07-11189

v.

HONORABLE PAUL V. GADOLA
U.S. DISTRICT JUDGE

WILLIE SMITH,

Respondent.

ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION

Petitioner has filed a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254. Now before the Court is Respondent's motion to dismiss, Petitioner's response, and Magistrate Judge Paul J. Komives' May 28, 2008 Report and Recommendation. The magistrate judge's report and recommendation recommended that Respondent's motion to dismiss be granted. The magistrate judge also notified the parties that any objections must be filed within ten days of service. No party has filed objections to the report and recommendation.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Komives' May 28, 2008 Report and Recommendation, *see* 28 U.S.C. § 636(B)(1)(c), this Court

need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the May 28, 2008 Report and Recommendation [docket entry #10] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Respondent's motion to dismiss [docket entry #5] is **GRANTED**.

IT IS FURTHER ORDERED that Petitioner's petition for writ of habeas corpus [docket entry #1] is **DISMISSED**.

SO ORDERED.

Dated: June 23, 2008

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on June 23, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

William C. Campbell, and I
hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Demond Williams.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
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